



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,651	12/22/2000	Glenn D. Kirwin	CF/013	1536

1473 7590 12/15/2004
FISH & NEAVE LLP
1251 AVENUE OF THE AMERICAS
50TH FLOOR
NEW YORK, NY 10020-1105

EXAMINER

KYLE, CHARLES R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,651

Applicant(s)

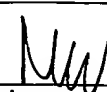
KIRWIN ET AL.

Examiner

Charles R Kyle

Art Unit

3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/3 & 7/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Rejections of Claims 33-36 under this section are withdrawn based on their cancellation.

Claim Rejections - 35 USC § 101

Rejections of Claims 33-36 under this section are withdrawn based on their cancellation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-8, 10-11, 13-20, 22-26, 28-29 and 31-32 are rejected under 35 U.S.C.

103(a) as being unpatentable over USPN 6,014,643 *Minton* in view of EP 0 665 489 A2

Robertson et al.

As to Claim 1, *Minton* discloses the invention substantially as claimed, including in a method of submitting a trading command in an electronic trading system, the steps of:

Receiving a submission of a bid, offer, buy or sell command from a trader via a trading command entry interface (Col. 9, lines 18-24; Fig. 4, ele. 418);

Art Unit: 3624

Presenting an interactive trading interface in response to the submission (Col. 10, lines 55-57) the interactive trading interface containing information relating to any bid, offer, buy or sell command (Fig. 6, ele. 620, 622, 624 and Fig. 7, eles. 720, 722, 724);

Positioning a pointing device pointer (Col. 6, lines 1-9; Fig 2.) over a button in the interactive trading interface corresponding to submission (Col. 11, lines 48-51);

Receiving a selection from the trader to confirm the submission via the interactive trading interface (Col. 12, lines 39-49; Col. 10, line 54 to Col. 11, line 51, particularly Col. 11, lines 48-51; Fig. 6, ele. 606; see also comparable references to Fig. 7); and

Submitting the submission in response to the selection by the trader (Col. 11, lines 48-51).

In this instance, buy and sell orders are read as market orders; bids and offers are read as limit orders.

Minton does not specifically disclose automatic repositioning of the pointing device pointer over a button. *Robertson* discloses this feature at Abstract and Col. 1, line 35 to Col. 2, line 29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the trading method of *Minton* with the addition of the automatic positioning feature of *Robertson* because this would have avoided additional manipulation of the pointing device. This advantage is specifically disclosed by *Robertson* at Col. 9, lines 53-57 and quoted below:

The system improves the efficiency of operation and enhances the functionality of cursor movement by positioning the cursor at a location that permits the user to perform additional functions without additional manipulation of the cursor control device 18.

Art Unit: 3624

As to Applicants' newly recited limitations and arguments regarding the prior art, as shown above *Minton* discloses the new limitations. Specifically, *Minton* discloses an interface to confirm a submission (Fig. 6, ele. 606) which is presented in response to a submission of a bid, buy, offer or sell command from a trader via the trading command entry interface (Col. 9, lines 18-24; Fig. 4, ele. 418; Col. 10, lines 53-67). That Fig. 6 discloses confirmation of the submission via the interactive trading interface is not only clear from the figure, but also by Applicants' admission at page 16 of the Remarks, first paragraph, where is described " a data processing system that allows an individual to enter an offer to buy or sell a security using a first screen trading screen (400)and.... **confirm** an order to buy the security through a third screen (buy screen 600)..." In the interpretation of the screens, Applicants failed to recognize that the buy screen 400 directly invokes the confirmation screen 600/700. See *Minton* at Col. 10, lines 54-57, at least.

Concerning Claim 2, *Minton* further discloses displaying current bid and offer data in the trading command entry interface at Fig. 4. At Fig. 6, elements 620, 622 and 624 and Fig. 7, elements 720, 722 and 724, *Minton* discloses pieces of bid and offer data via the trading; these are received *via* the trading command entry interface in the sense that Figs. 6 and 7 are reached *via* Fig. 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive a selection of a piece of bid and offer data as a submission of an order because this would have realized the improved efficiency of reduced pointing device movement cited in the paragraph quoted above.

Art Unit: 3624

As to Claim 4, *Minton* discloses bids/limit orders; these are specifically disclosed at Fig. 6, element 622. Submitting a bid as selection of this field would have been obvious because this would have realized the improved efficiency of reduced pointing device movement cited in the paragraph quoted above.

As to Claim 5, *Minton* discloses offers as limit orders; these are specifically disclosed at Fig. 7, element 722. Submitting an offer as selection of this field would have been obvious because this would have realized the improved efficiency of reduced pointing device movement cited in the paragraph quoted above.

With respect to Claims 6 and 7, see the discussion of Claims 4 and 5 and note that *Minton* discloses buy and sell commands as market orders at Col. 9, lines 31-36.

Concerning Claim 8, see the discussion of Claim 2 and note that *Minton* discloses the elements of a market cell at Fig. 4.

With respect to Claims 10 and 11, *Minton* discloses data and entry windows as Fig. 4. For entry features see Fig. 4, elements 418 and 426.

With respect to Claim 13, *Minton* discloses the use of a keyboard at Col. 3, line 65 to Col. 4, line 29. Further, Official Notice is taken that it was old and well known to use a command line interface for trading at the time of the invention. For example, prior to graphical user interfaces, command lines were the only screen interface available. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a command line interface in *Minton* because this would provide a familiar and quick means for trading command entry.

Art Unit: 3624

Concerning Claim 14, *Minton* discloses use of a pointing device for submission of a t least a buy command at Fig. 4, ele. 418.

As to Claims 15-18, *Minton* discloses the buttons recited as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically reposition a device pointer as disclosed by *Robertson* so as to allow for immediate selection of the button without requiring device movement.

As to Claim 19, see the discussion of Claim 1 above. *Minton* further discloses first and second trading interfaces at Figs. 4, 6 and 7 and related text. See also *Robertson* at Abstract, where first and second interfaces are disclosed.

Concerning Claims 20 and 22-26, see the discussions of Claim 19 and Claims 2 and 4-8.

As to Claim 28-29, see the discussion of Claim 19 and Claims 10-11.

Concerning Claims 31-32, see the discussions of Claim 19 and Claims 13-14.

Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Minton* and *Robertson et al* as set forth above, and further in view of US 6,247,000 *Hawkins et al*.

With respect to Claim 3, see the discussion of Claim 2. *Minton* does not specifically disclose coloring fields in a trading interface. *Hawkins* discloses this limitation at Fig. 19 and Col. 20, lines 25-37. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* with the coloring of trading information of *Hawkins* because this would provide additional status information for orders and expedite processing by traders.

Concerning Claim 21, see the discussion of Claim 20 and 3.

Claims 9, 12, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Minton* and *Robertson et al* as set forth above, and further in view of *Harrington et al*.

With respect to **Claim 9**, see the discussions set forth above. *Minton* does not specifically disclose bid and offer data in the form of a spreadsheet. *Harrington* discloses this feature for securities trading at Col. 9, lines 4-11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the spreadsheet presentation of data disclosed by *Harrington* in combination with *Minton* because this would have provided an inexpensive and flexible way to present such data.

Concerning **Claim 12**, see the discussion of Claim 9 and *Harrington* further discloses use of web pages at Col. 6, lines 37-65 and Fig. 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the web page presentation of data disclosed by *Harrington* in combination with *Minton* because this would have provided an widely accessible way to present such data.

As to **Claims 27 and 30**, see the discussion of the claim from each which depends and the discussion of Claims 9 and 12 above.

Response to Arguments

Applicants' arguments have been addressed above including arguments on dependent claims, which stand rejected as depending from rejected claims and adding no patentable distinction.

The rejections are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

crk
December 1, 2004

Examiner Charles Kyle



**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**